

In re Application of PARUPUDI et al.
Serial No. 09/256,624

REMARKS

The Office action, which was made final, has been carefully considered. In the Office action, the title was objected to as not descriptive. Claim 1 was rejected for an informality. Claims 1-8 and 23-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Angal et al., U.S. Patent No. 6,298,378 (hereinafter "Angal"). Claims 2, 5, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Angal in view of Gani (Computer and Control Engineering Journal 1995) (hereinafter "Gani"). Claims 10-14 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections are traversed in view of the following remarks. Entry of the response and reconsideration of the claims under the provisions of 37 C.F.R. 1.116 is earnestly solicited.

In this response, claim 1 has been amended to substantially include the subject matter of claim 4 (which has been cancelled as duplicative). Further, new claims 44-47 have been added that substantially recite the subject matter of allowable claims 10-14 (which have been canceled as duplicative), including all of the limitations of the base claim and any intervening claims. In previous responses, claims 15-22 and 31-43 were withdrawn in response to restriction requirements. In this response, claims 1-3, 5-9, 23-30, and 44-47 remain pending.

Applicants thank the Examiner for indicating that the subject matter recited in claims 10-14 is allowable. The subject matter of these claims including all the limitations of the base claims and any intervening claims has been included in new claims 44-47. Applicants respectfully submit that new claims 44-47 are thus patentable.

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Applicants additionally thank the Examiner for the interview held (by telephone) on April 3, 2003. During the interview, the Examiner and applicants' attorney discussed the claims with respect to the prior art. The essence of applicants' position is incorporated in the remarks below.

The Office action objected to the title of the invention as not being descriptive. Applicants have changed the title of the invention. Reconsideration and withdrawal of the objection are respectfully requested.

The Office action objected to claim 1 for an informality. Claim 1 has been amended in response. Reconsideration and withdrawal of the objection are respectfully requested.

Turning to the rejections on the prior art, the present invention is generally directed to a network connectivity and other system event notification publisher for use by applications and the like, such as applications designed for use by mobile computer users. To this end, an event monitoring and notification service monitors for certain states with respect to a computer system, and publishes events on state changes. These system states correspond to one or more types of system events, including LAN connectivity, TCP/IP network events, such as the status of a TCP/IP network connection or the quality of the connection, user logon events, and power events related to battery and AC power states. Other system state change events such as plug-and-play type events may also be published. Based on an event, the application or other component can adapt to the state change and modify its behavior in some manner. For example, an application can change its mode of operation when a network connection is lost, automatically save a user's files when a battery powered device is getting low, or perform some pre-logoff processing after the user has requested logoff but before an actual logoff operation occurs.

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The monitoring service and notification publisher that handles these system state changes is generally referred to as a System Event Notification Service, or SENS. SENS may work with a loosely coupled events (LCE) system that includes an event class object that matches event publishers with event subscribers, wherein the publishers and subscribers that do not necessarily have knowledge of one another in advance. To this end, event information from different publishers is stored in an event store, and subscribers query this store to select the events about which they want information. Selecting event information from the event store creates a subscription. When an event occurs, the event system checks this database to find the interested subscribers, creates a new object of each interested class, and calls a method on that object. Note that the above description is for informational purposes only, and should not be used to interpret the claims, which are discussed below.

The Office action rejected claims 1-8, and 23-30 under 35 U.S.C. § 102(e) as being anticipated by Angal. Applicants cannot find any § 102(e) discussion in the Office action that relates to claims 2, 5, or 23. Furthermore, applicants note that the Office action rejected claims 2, 5, and 23 under 35 U.S.C. § 103(a). Therefore, applicants assume that claims 1, 3-8 and 24-30 were rejected under 35 U.S.C. § 102(e) and claims 2, 5, and 23 were rejected under 35 U.S.C. § 103(a).

Claim 1 has been amended to include the limitations of former claim 4, which has been cancelled in this amendment. Claim 1 as amended generally recites a central service configured to monitor system events and fire event notifications, a registration mechanism for clients to register for notification of one or more types of events, and a distribution mechanism that communicates notification to each client registered for notification based

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on the type of event notification, wherein the client registers for a type of event and includes condition information with its registration.

In contrast to the invention as recited in claim 1, Angal neither discloses nor suggests anything regarding a client that includes condition information when registering for a type of event notification. As indicated in applicants' specification in the first paragraph of page 11, including condition information provides a mechanism for placing additional conditions on the firing of an event to that client. An example given in the same paragraph of applicant's specification is that a client could register for notifications for a battery power event and specify that the client should not be notified unless the battery charge is at or below twenty percent.

The Office action cited column 5, lines 1-41 and column 6, lines 31-52 to allege that Angal disclosed this limitation of former claim 4 (and hence amended claim 1). Angal, column 5, lines 1-41, however, discusses allocating duties between the EDS and the MIS. Column 6, lines 31-52 discuss forwarding events to sinks and listeners. None of the cited text, however, or Angal in general, discloses or suggests including condition information when the client registers for notification for a type of event.

In order to support an anticipation rejection, the Office action must show that each and every element of the claimed invention is disclosed in a single reference, and that each element is arranged as in the claim. As Angal does not teach or suggest including condition information when the client registers for notification of an event as recited by claim 1, applicants submit that for at least this reason, claim 1 and the claims that depend thereon are patentable over Angal. Reconsideration and withdrawal of the rejections of claim 1 and the claims that depend from it based on Angal are respectfully requested.

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Moreover, claim 1 includes other limitations which are not found in Angal. By law, "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Specifically, claim 1 recites registering for one or more types of events. As applicants' disclosure indicates, types of events may include network types, power types, logon types, and so on. Angal discloses subscribing to a specific event, not a *type* of event. Registering for a type of event is not the same as registering for an event. While registering for a type of event may cause notifications for related events, registering for an event, without more, would not cause notifications to be sent for other related events of a type that included the event. Nothing the Office action has cited and nothing in Angal fairly disclose or suggest registering for a *type* of event. Thus, Angal also lacks this feature of applicants' invention as recited in claim 1. At least for this additional reason, claim 1 and the claims that depend thereon are patentable over Angal.

In rejecting claim 1, 7, and 8, the Office action uses the phrases "on-line" and "off-line" as found in Angal to alternately correspond to network connectivity changing state (claim 1), the power state of a machine (claim 7), and a logon state (claim 8). Applicants respectfully submit that these phrases must be interpreted as defined by Angal. Angal states, "Examples of events include communications alarms (e.g., a device has come on-line, has gone off-line, or has a problem)." Angal, column 4, lines 52-54. This is the only time these phrases are used in Angal. If anything, then, "on-line" and "off-line" must at most refer to events related to communication. In this context, these phrases cannot be fairly read to disclose or suggest anything about the power state of a machine or a logon state. A careful search of Angal reveals that Angal does not include the words "logon" or

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“power” let alone “logon state” or “power state” as recited in claims 7 and 8. At least for this reason, claims 7 and 8 are further patentable over Angal.

Turning to the 35 U.S.C § 103(a) rejections, the Office action rejected claims 2, 5, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Angal in view of Gani.

Applicants will first remark on the rejection of claim 23.

Claim 23 generally recites receiving system information at a central service, publishing an event notification in response thereto with the event notification having an event type associated with it, receiving the event notification at an event class object, matching the event notification with at least one client based on the type of event, and communicating the event notification via the event class object to each client.

As discussed previously, Angal neither discloses nor suggests anything regarding sending notifications based on the type of event. However, claim 23 specifically recites “matching the event notification with at least one client that has subscribed for event notification *based on the type of event*” (emphasis added). Gani likewise fails to disclose or suggest matching clients to notifications based on the type of event. Thus, even if somehow permissible to combine these references, the combination of Angal and Gani still does not disclose or suggest the subject matter of claim 23.

In order to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In addition, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). For at least the foregoing reasons, claim 23 and the claims that depend thereon are patentable over Angal and Gani.

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The Office action alleges that one of skill in the art would have been motivated to combine Gani and Angal because "it would have been desirable to deliver information in a faster and more cost-effective manner." To the extent this allegation is understood, applicants disagree that any such combination is somehow motivated. The Office action's reason for combining an event notification system with a component architecture is merely conclusory, and is based on nothing found in the prior art of record. The prior art is silent as to such a concept, and the Office action does not indicate any suggestion or motivation in the prior art of record, either explicit or otherwise, for modifying the references or combining the references in a manner that would achieve the claimed invention, or point out any teaching as to how such a modification or combination might be accomplished, or what might be accomplished thereby. Broad conclusory statements, standing alone, are not evidence of obviousness. *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Furthermore, even the alleged reasons given by the Office action of being faster and more cost-effective are disputed in Gani. Gani indicates that developing a reusable component "might double its [development] cost." See Gani, p. 112. This cost would only be recouped through repeated use of the component in future applications. In addition, the Office action has pointed to nothing in Gani that indicates that reusable components are faster than non-reusable components. Applicants respectfully submit that reusable components may often be slower than custom built solutions. Notwithstanding, even if Gani did teach that using reusable components is more cost-effective and faster, this, without more, does not lead to a motivation to combine Gani with Angal.

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Applicants respectfully submit that the Office action's combination of Angal and Gani is an impermissible hindsight attempt to reach the subject matter of applicants' invention by relying on applicants' teachings. It is well settled that such a hindsight reconstruction based on applicants' teachings is impermissible by law, as in order to support a § 103(a) rejection, there must be some teaching, suggestion, or motivation other than applicants' teachings for modifying a cited reference or combining references to achieve the claimed invention. In an attempt to make up for the deficiencies in Angal, it appears that the Office action selected Gani for its discussion of reusable components, even though Gani merely describes basic component (e.g., COM) technology, along with an early attempt at distributed COM. Fairly read, Gani is directed to object brokering, so that remote objects can hook up with one another, e.g., for data exchange. The cited text of Gani has nothing to do with fired system events, and thus it is not seen how Gani is even related to the system event notification service of the present invention, let alone how Gani somehow could disclose or even suggests a loosely coupled events database wherein a publisher provides events to registered subscribers via an event class object or the like that isolates the publishers from the subscribers. Applicants respectfully submit that applicants' teachings were impermissibly used to combine the references in an attempt to reach applicants' claimed invention. At least for this additional reason, claim 23 and the claims that depend thereon are patentable over Angal and Gani.

Claims 2 and 5 are also patentable over Angal and Gani for several reasons. First, as discussed above there is no motivation to combine Angal and Gani. Second, in any permissible combination, Angal and Gani still fail to disclose the subject matter of these claims, as Gani fails to cure the Angal's deficiencies with respect to the recited subject

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matter. Third, claims 2 and 5 depend from a claim (claim 1) which is patentable over the cited art as discussed above. At least for the reasons above, claims 2 and 5 and the claims that depend thereon are patentable over Angal and Gani.

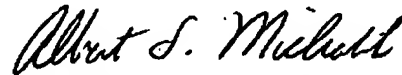
For the foregoing reasons, applicants respectfully submit that the claimed invention is patentable over the cited art. Applicants also respectfully submit that if another search is deemed necessary to supplement any inadequacies in prior searches resulting from an apparent misunderstanding or overlooking of clearly defined subject matter, applicants should not bear the burden of another examination fee. Thus, if a further search is deemed necessary, applicants respectfully request that the finality of this Office action be withdrawn.

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CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-3, 5-9, 23-30, and 44-47 are patentable over the prior art of record, and that the application is good and proper form for allowance. For at least the foregoing reasons, no new issues have been raised by this amendment, and thus the applicants request that the Examiner enter the amendment and reconsider and withdraw the rejections of the pending claims. If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



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